

Open Space

Summary: To present the findings of the Open Space Assessment and set out what this means for open space provision and policy development through the emerging Local Plan in the District. To present the revised Open Space policy in light of the comments through the Regulation 18 Consultation and the findings of the Open Space Assessment.

- Recommendations:
- 1. It is recommended that members accept the findings of the Open Space, Sport and Recreation Study (Part 1) and endorse the use of the Open Space calculator for subsequent planning applications and the proposed allocations within the Local Plan.**
 - 2. It is recommended that members endorse the revised wording of Policy ENV 7 and delegate responsibility for drafting such an approach, including that of finalising the associated policy to the Planning Manager.**

Cabinet Member(s)	Ward(s) affected
All Members	All Wards
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1. Introduction

- 1.1 The emerging North Norfolk Local Plan has been subject to public consultation at Regulation 18 stage during May and June 2019. This report is one of a number of reports that seeks to finalise the draft Local Plan policy approach in relation to consideration of the consultation responses and the finalisation of the supporting evidence. At the end of the process a revised Draft Local Plan incorporating justified modifications will be produced for the authority in order to consult at Regulation 19 Draft Plan publication stage ahead of subsequent submission for examination. At such a stage the Plan will be subject to consideration by an independent inspector against a number of legal tests and soundness tests to determine if it is legally compliant, justified, effective, and has been positively prepared. A binding report will be produced which will determine if the Draft Plan is sound, with or without further modifications, following which the Plan can be formally adopted by the Council.
- 1.2 This report focusses on the findings of the Open Space Assessment carried out by Ethos and the responses regarding open space through the Regulation 18 Consultation and recommends modifications to Policy ENV 7 within the Draft Plan for inclusion in the submission version and **should be read in conjunction with the**

short presentation prepared by Ethos which provides an overview of the study and its findings and attached as Appendix 1 to this report.

- 1.3 **The purpose** of this report is to recommend that the findings of the Open Space Assessment are supported and endorsed by Members for future plan making and decision making and to endorse the recommended modifications to Policy ENV 7 following the Regulation 18 consultation and the finalisation of the Open Space Assessment.
- 1.4 Ethos were also commissioned to undertake a Playing Pitch Strategy and Needs Assessment and produce a Playing Pitch Strategy as part of the Council's overall approach to sport and recreational requirements. Although part of the overall commission this Playing Pitch Strategy is part of a wider Council initiative outside the Local Plan and is not being brought for discussion to this working party. Wider questions should be directed to the Leisure and Locality Services Manager on this aspect of the commission, Karl Reed.

2. Background and Update

- 2.1 The existing Core Strategy, adopted in 2008, included objectives to facilitate increased walking and cycling, to ensure adequate provision to meet open space and recreation needs and encourage creation of a network of accessible greenspaces (Core Aim 6). It was envisaged that these objectives would be achieved through Core Strategy strategic spatial policies and development management policies. There are three key policies that currently cover open space and public rights of way and access. These are:
- 2.2 **Strategic Policy SS4 (Environment)**- aims to protect existing open space and areas designated for environmental purposes, requires new developments to include open space to meet locally defined targets, requires that development makes links to the surrounding countryside and seeks to create an ecological network.
- 2.3 **Strategic Policy SS6 (Access and Infrastructure)**- includes provision to protect, enhance and promote Public Rights of Way and for new development to create convenient and attractive links within development and to the surrounding area, assist with creation of a network of accessible greenspace and provide links to public transport and walking and cycling networks.
- 2.4 **Policy CT1 (Open Space Designations)** - recognises that there are many valuable open spaces across North Norfolk and that those within settlement boundaries may be subject to pressure for residential development. The purpose of the policy was to therefore safeguard the large number of open spaces by restricting the types of development which would be allowed.

The policy focuses on land designated on the Policies Map as either:

- **Open Land Areas**- areas that are mainly free from development and are assessed as contributing to the character of the area because they are open and free of development. There is no requirement for such spaces to be publically accessible or be in use as public open space and they include areas used as private gardens, church yards and even car parks.
- **Education and Formal Recreation Areas**- are also relatively undeveloped and are in use as outdoor sports facilities including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school as well as other institutional playing fields and other outdoor sports areas.

The policy also covers the protection of undesignated open space.

- 2.5 **Policy CT2 (Developer Contributions)** - recognises that schemes of 10 or more dwellings can place additional demands upon physical infrastructure and social facilities. The purpose of the policy was to require development to contribute to these additional demands. The Policy requires that, where existing infrastructure is inadequate to meet the needs of new development, conditions or planning obligations are used to ensure that proposals are made acceptable by securing the provision of necessary improvements. This incorporates open space. An appendix to the existing Core Strategy and some allocations within the Site Allocations Development Plan Document (2011) outlines open space standards expected to apply to new developments,. Based on the evidence that support their production at the time.
- 2.6 The regulation 18 Consultation version of the Local Plan included a number of policies around the Council's emerging approach to open space provision. In particular emerging policy ENV7, provided the updated approach in relation to the requirements for Open space for new developments and a holistic approach to development on visually important open spaces, and those identified as Local Green Space and for Education and/or Formal Recreation Areas. The approach at the time was underpinned by a 2006 Open Space and Recreation Assessment as well as the NPPF. Given that this Assessment is now 14 years old and was prepared under a former national policy context, it was considered appropriate for it to be reviewed in order to provide a robust baseline for policy development and to ensure compliance with the NPPF and up to date evidence. Members should note, however, that despite the age of the existing Assessment, the overall national context message under which it was prepared remains valid, even though the background documents have changed.
- 2.7 The Ethos study provides an updated and comprehensive assessment and further robust evidence to update this approach and underpin the Local Plan, (as further detailed and summarised in para 3.7 of this report)

3. National Policy

- 3.1 The NPPF has been published since the adoption of the Core Strategy and Site Allocations Development Plan Document and includes references to open space, Public Rights of Way and Local Green Space, LGS.
- 3.2 The NPPF defines open space as 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity' (NPPF, 2018, PP. 69). The NPPF recognises the importance of access to a network of high quality open spaces and opportunities for sport and physical activity for the health and well-being of communities and requires that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate (para. 96).
- 3.3 Paragraphs 97 - 98 of the NPPF go on to discuss the protection of existing open space, sports and recreational buildings and land and public rights of way, stating that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'
- 3.4 In addition, planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails', (Para 98).
- 3.5 Paragraphs 149 of the NPPF state that - Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
- 3.6 Paragraph 170 of the NPPF - Planning policies and decisions should contribute to and enhance the natural and local environment.
- 3.7 In essence the concept of Green Infrastructure and Open space is now firmly embedded into national policy with the NPPF requiring local planning authorities to set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The National Planning Policy Framework (NPPF) (paragraph 96) recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. It requires local planning authorities to set out policies to help enable communities to access high quality open spaces and opportunities for sport and recreation. These policies must be based on a thorough understanding of the local needs for such facilities and opportunities available for new provision.

4. Feedback Regulation 18

- 4.1 Policy ENV 7 within the First Draft Local Plan set out that schemes of 11 or more dwellings with a combined gross floorspace of more than 1,000 square meters (gross internal area) must provide or contribute towards the provision of open space in line with the standards set out in Table 6. The detail in Table 6 was carried forward from the existing Core Strategy as the Open Space Assessment was still in the process of being produced along with a commitment to update on its findings through the commissioned evidence.
- 4.2 Detailed feedback on Policy ENV 7 can be seen in the Schedule of Responses previously reported to Members and are summarised below, the full Schedule of Representations is available in the Members Room along with commentary on the Local Plan Portal.
- 4.3 **Parish Councils (2):** General support expressed but further strengthening of the policy around play equipment, sports strategy and the requirement to provide better linkages between existing open space.

- 4.4 Out of the 13 **Individual respondents**, 5 raised objections (5) on the grounds that there should be a more joined up approach with the Broads Authority, particularly in regard to Hoveton. Others contested specific open space designations and the out of date methodology, as many of these designations were “carried” forward from the existing Core Strategy, and that this should be updated. Concern was also raised in regard to Local Green Space designations and the criteria around potential to develop on open space specifically for education.
- 4.5 Those in support of the policy (3) largely supported the inclusion of allotments. There were also 5 general comments seeking reference to ‘health and wellbeing’, Fields in Trust guidance, developments should provide open space on site to meet specific varying needs and a wider point was raised regarding developments of under 10 dwellings and that they should also contribute towards infrastructure.
- 4.6 Comments from **Statutory bodies and organisations** (8) were largely supportive of the policy approach. Natural England advised consideration of including an appropriate standards into the policy and green infrastructure should seek to achieve the Natural England Accessible Natural Greenspace Standards. Flexibility regarding on and off-site provision was supported. Clarity was sought on Table 6. Objections (2) were largely around specific designations of open spaces rather than the policy itself.

5. Open Space Assessment - Ethos.

- 5.1 The study was commissioned with the following overarching purpose, to:
- provide a new Open Space, Sport and Recreation Assessment in order to assess qualitative and quantitative deficiencies or surpluses in provision across the District and to identify options for addressing these;
 - support the delivery of the Local Plan up to 2036 through robust analysis and assessment;
 - set locally derived open space, sports and recreation provision standards for quantity, quality and accessibility and provide recommendations about future requirements per activity at settlement level (taking into account planned growth and taking into account the current and projected future population of the District), to inform policy approach and assist with Development Management application determinations, including possible thresholds above which developers should be required to provide on-site open space;
 - provide information to justify on-site open space, sports and recreation provision and the collection of developer contributions towards new facilities or the enhancement of existing provision; and
 - provide information to help inform S106 spending.
- 5.2 Collectively the study provides the Council with the necessary local evidence to justify local standards and enable on and off site provision through developer contributions to enable enhancement of existing provision and assess the costs of such measures.

Methodology

- 5.3 The Open Space Assessment (2019) set out the detailed methodological approach on pages 11-15 of the final report in Appendix 2 and can be summarised by the following flow diagram:



5.4 As a brief overview, the Assessment undertook consultation to identify local needs (Step 1) whilst concurrently carrying out a detailed audit of local provision (Step 2). The audit of local provision sought to look at both quality and quantity. Based on the identification of local needs and the audit of local provision, utilising current best practice guidance the Open Space Assessment then identified standards for each of the open space typologies (Step 3). These standards were then applied to give an overall picture of where the shortfalls and surpluses are within the District (Step 4) and this was then transposed into the calculation of future needs (Step 5).

5.5 The consultation included engagement with all relevant key stakeholders, agencies and organisations as well as the wider community and general public. A separate Community and Stakeholder Consultation report (2019) forms part of the background to this study and is attached as Appendix 4 for reference.

5.6 Step 3 above identified standards for each type of open space. Following the completion of the assessment of local needs (community and stakeholder consultation) and the audit of provision (the first two steps of this study), new applicable standards of the provision for open space were developed (section 6 of the study, appendix 2). Each individual standard takes into consideration:

- The current existing standards;
- existing government and national guidance, such as Fields in Trust (FIT) (Previously known as the National Playing Fields Association), Guidance for Outdoor Sport and Play report 'Beyond the Six Acre Standard', Natural England Accessibility Natural Greenspace Standard, (ANGSt) to name by a few;
- consultation feedback;
- the assessment of current provision and the qualitative audit; and
- the current financial climate.

Each individual standard aims to provide the Council with achievable and deliverable minimum levels of provision. Quantity and access standards (requirements) are summarised in Table 12 of the study and detailed below.

5.7 Step 4 - Table 13 in the study (page 81 of the attached appendix 2) applies the standards and then shows the existing supply of open space for each typology by Parish and at District level and any surplus or deficiency when compared to the locally derived standards. Positive figures show where the Study Area/Parishes meet/ exceed the quantity standards for the open space typology, and negative figures show where there is a shortfall in supply against the quantity standard.

These figures help inform where new open space and improvements to existing open spaces should be sought from development.

- 5.8 Key findings show that at the district level, there is good provision of amenity green space. However, there are shortfalls in allotments, parks and recreation, children’s and youth play space. Provision also varies across parishes and typologies, with some meeting the quantity standards and some falling below. In terms of access people do not wish to travel far for allotment access, there is generally good access to Amenity Green Space across the District but longer journeys for smaller and remote parishes. Generally good access in parishes with above 300 people, although there are exceptions including Sutton, East Ruston and Walcott. In terms of youth play space there are gaps in terms of access across the majority of parishes and the study highlights Key settlements of Holt and Hoveton as having a shortage in this area. In terms of Natural Green Space there are gaps in access but noted there is an extensive public right of way network.
- 5.9 The quality audit was undertaken at 297 open spaces across the Study Area, where the majority of open spaces were assessed as being of good quality.

Table 17, page 106 of the study

Typology	Quality Audit Grade			
	A (Good)	B (Average)	C (Poor)	Total
Accessible Natural Greenspace	60	27	2	89
Amenity Green Space	98	30		128
Outdoor Sport (Private)	7	2		9
Park and Recreation Grounds	39	6		45
Play (Child)	21	5		26
Total	225	70	2	297

Recommendations of the Assessment

- 5.10 The Assessment provides a robust evidence base evidence base and framework for the formation of both Plan Making and Decision Making going forward. The Open Space Assessment makes a number of recommendations and these are detailed on pages 108-125 of the final report attached as Appendix 2. The recommendations can be summarized as follows:
- Existing provision to be protected;
 - Existing provision to be enhanced;
 - Opportunities for re-location/re-designation of open space;
 - Identification of areas for new provision;
 - Facilities that may be surplus to requirement and
 - Developer contributions and recommended thresholds for on-site provision of open space
- 5.11 The below table summarises the open space and quantity and access standards for existing provision recommended for and new / future provision.

Table 12 Summary of open space quantity and access standards²⁰

Typology	Quantity standards for existing provision and new provision (ha/1000 population)	Access standard
Allotments	0.60	15 minutes' walk-time
Amenity Green Space (sites >0.15 ha)	1.0	10 minutes' walk time
Park and Recreation Grounds	1.1	12-13 minutes' walk time
Play Space (Children)	0.10	10 minutes' walk-time
Play Space (Youth)	0.06	15 minutes' walk-time
Natural Green Space	1.5 (for new provision only)	20 minutes' walk-time and ANGSt Standards
Total for new provision	4.36 ha/1000	

Threshold for on-site provision of Open Space, cost calculator and decision making flow chart

5.12 The Open Space Assessment provides a recommendation for the delivery of suitable on-site and off-site provision based on the findings of the Assessment and the latest national guidance. The following table provides a breakdown of site sizes and where on-site and off-site provision should be sought.

Type of Provision	11-19 dwellings	20-49 dwellings	50-99 dwellings	100 – 199 dwellings	200+ dwellings
Allotments	Off-site	Off-site	Off-site	On-site	On-site
Amenity Green Space	On-site	On-site	On-site	On-site	On-site
Parks and Recreation Grounds	Off-site	Off-site	Off-site	Off-site	On-site
Play Space (children)	On-site* ¹	On-site	On-site	On-site	On-site
Play Space (Youth)	Off-site	Off-site	Off-site	Off-site	On-site
Accessible Natural Green Space	Off-site	Off-site	Off-site	On-site	On-site

5.13 The Open Space Assessment then provides a flow diagram to aid decision makers in when to seek onsite and off-site contributions to be used in conjunction with the threshold recommendations. This is best viewed on Page 117 of the North Norfolk Open Space Assessment attached Appendix 2 to this report.

5.14 The Assessment then also provides a cost calculator, of which a screenshot is shown below. Essentially this provides officers with a mechanism for applying costs to the quantum of requirements in a proposal and allows the Council to

¹ For children's play space, the minimum size required for new equipped provision is 0.01ha (100sq m). At smaller scheme sizes, consideration should be given to the design of amenity green space to provide 'playable' space and making use of natural play solutions, rather than equipped provision always being required.

update these in terms of inflation and best practice. This provides a quantum of open space required for on-site contributions and a monetary contribution for off-site open space and can feed into viability assessments and S106 agreements. It allows decision makers to easily calculate what a developer should be providing on site and provides the starting point for Local Plan site allocation open space policy requirements. An example calculation is set out on page 122 of the North Norfolk Open Space Assessment attached as Appendix 2 this report and copied below.

Number of dwellings	Enter number	Equivalent people	Open Space requirement	Required msq per person	Cost per msq	Total requirement (msq)	Cost of provision (£)	On site required?	Required quantity on site (msq)	Enter actual provision on site (msq)	Value of provision	Contribution required
1 bed	0	0	Allotments	6	22.34	1,380.00	£30,829	Y	1,380.00	1,380	30,829	£0
2 bed	0	0	Amenity Green Space	10	20.24	2,300.00	£46,552	Y	2,300.00	2,300	46,552	£0
3 bed	0	0	Parks & Recreation Grounds	11	92.94	2,530.00	£235,138	0	FALSE	0	0	£235,138
4 bed	0	0	Play Space (Children)	1	168.76	230.00	£38,815	Y	230.00	230	38,815	£0
5 bed	0	0	Play Space (Youth)	0.6	114.34	138.00	£15,779	0	FALSE	0	0	£15,779
Elderley 1 bed	0	0	Natural Green Space	15	20.24	3,450.00	£69,828	Y	3,450.00	3450	69,828	£0
Elderley 2 bed	0	0										
TOTAL	100	230		43.60		10,028	£436,941		7,360.00		186,024.00	£250,917

Summary

The Open Space Assessment provides a detailed analysis of the current open space quality and quantity within the District leading to recommendations of new evidenced based local standards on quality, accessibility and quality of open space.

6. Proposed Amendments to Policy ENV 7

In line with the study and consultation feedback policy ENV7 is revised. Revised Policy ENV 7 can be found in Appendix 3 to this report and is shown with tracked changes to highlight the changes made from Regulation 18 to the revised draft for the pre-submission publication version of the plan. The main changes are summarised as follows:

- Addition of the thresholds for on-site open space provision and off-site open space contributions as set out within the Open Space Assessment (2019).
- Addition of Provision of new Recreation Space where it is in line with the Playing Pitch Strategy and Open Space Study
- Wording that provides further protection of Amenity Green Space in line with Regulation 18 feedback and in line with NPPF.

7. Recommendations

1. It is recommended that members accept the findings of the Open Space, Sport and Recreation Study (part 1) and endorse the use of the Open Space calculator for subsequent planning applications and the proposed allocations within the Local Plan
2. It is recommended that members endorse the revised wording of Policy ENV 7 and delegate responsibility for drafting such an approach, including that of finalising the associated policy to the Planning Manager.

8 Legal Implications and Risks

- 8.1 The Council must produce a Local Plan which complies with various regulatory and legal requirements and in determining its policy approaches must be justified and underpinned by up to date and proportionate evidence, the application of a consistent methodology and take account of public feedback. The open space study provides the most up to date evidence on this subject to inform plan making.
- 8.2 The statutory process requires records of consultation feedback and demonstration of how this has/will have informed plan making with further commentary demonstrating how the representation at regulation 18 have been taken into account in line with Regulation 22.

9 Financial Implications and Risks

- 9.1 Failure to undertake plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.

Appendices

- Appendix 1 – Presentation by Ethos consultants of the Open Space Study
- Appendix 2 – Open Space Study (Part 1)
- Amended 3 - Open Space Policy to Open Space Policy
- Appendix 4 – Community and Stakeholder Consultation report (2019).